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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------------|------------------------|
| 10/840,127 | 05/05/2004 | Keith Newstadt | SYMC1051 | 7231 |
| 34350 | 7590 | 09/20/2007 | | |
| GUNNISON, MCKAY & HODGSON, L.L.P. 1900 GARDEN ROAD, SUITE 220 MONTEREY, CA 93940 | | | EXAMINER CERVETTI, DAVID GARCIA | |
| | | | ART UNIT 2136 | PAPER NUMBER |
| | | | MAIL DATE 09/20/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding:

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/840,127 | Applicant(s) NEWSTADT, KEITH | |
| | Examiner David G. Cervetti | Art Unit 2136 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 05 May 2004.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-23 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 05 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____. |
|--|--|

DETAILED ACTION

1. Claims 1-23 are pending and have been examined.

Information Disclosure Statement

2. It is noted that no Information Disclosure Statement has been filed on this Application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 22 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 22 is not limited to tangible embodiments. In view of applicants' disclosure, specification 19-20, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., CD-ROM) and intangible embodiments (e.g., pages signals). As such, the claim is not limited to statutory subject matter and is therefore non-statutory."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cragun (US Patent Application Publication 2003/0009521).

Regarding claims 1, 15, and 21, Cragun teaches

- defining areas of ownership for users of a computer system (**pars. 19-20**);
- receiving a proposed modification from a first user of said users, said first user being an owner of said proposed modification, wherein a set of said users are stakeholders in said proposed modification (**pars. 21-23**); and
- receiving decisions from a selected set of said stakeholders on approval of said proposed modification / determining that said owner has permission to implement said proposed modification (**pars. 31-33**); and
- providing a permission notification to said owner (**pars. 33-35**).

Regarding claim 17, Cragun teaches

- submitting a proposed modification (**pars. 21-23**);
- receiving a list of stakeholders in said proposed modification (**pars. 21-23**);
- selecting a set of said stakeholders (**pars. 19-20**); and
- determining if permission to implement said proposed modification has been granted (**pars. 31-35**).

Regarding claims 22 and 23, Cragun teaches

- a computer-program product comprising a computer- readable medium containing computer program code comprising: a multi-user participation role based administration application for defining areas of ownership for users of a computer system (**pars. 19-20**);
- said multi-user participation role based administration application for receiving a proposed modification from a first user of said users, said first user being an

- owner of said proposed modification, wherein a set of said users are stakeholders in said proposed modification (**pars. 21-23**); and
- said multi-user participation role based administration application for receiving decisions from a selected set of said stakeholders on approval of said proposed modification (**pars. 31-35**).

Regarding claim 2, Cragun teaches providing a list of said stakeholders to said owner (**pars. 20-23**).

Regarding claim 3, Cragun teaches receiving a selection of said set of said stakeholders from said owner (**pars. 20-23**).

Regarding claim 4, Cragun teaches providing a notification to said set of said stakeholders of said proposed modification (**pars. 20-23**).

Regarding claim 5, Cragun teaches wherein at least one of said set of said stakeholders rejects said proposed modification (**fig. 2B**).

Regarding claim 6, Cragun teaches providing a rejection notification to said owner (**fig. 2B**).

Regarding claim 7, Cragun teaches determining if all necessary approvals have been received (**pars. 33-35**).

Regarding claim 8, Cragun teaches wherein said determining if all necessary approvals have been received comprises determining if said set of said stakeholders approved said proposed modification (**pars. 33-35**).

Regarding claim 9, Cragun teaches wherein said set of said stakeholders approved said proposed modification if all stakeholders of said set of said stakeholders approved said proposed modification **(pars. 33-35)**.

Regarding claim 10, Cragun teaches wherein a determination is made that said all necessary approvals have-been received, said method further comprising granting said owner permission to implement said proposed modification **(pars. 33-35)**.

Regarding claim 11, Cragun teaches wherein said owner implements said proposed modification **(pars. 31-35)**.

Regarding claim 12, Cragun teaches receiving a notification of said proposed modification; reviewing said proposed modification; and entering a decision of said proposed modification **(pars. 31-35)**.

Regarding claim 13, Cragun teaches amending said proposed modification **(pars. 31-35)**.

Regarding claim 14, Cragun teaches assigning an ownership of said proposed modification from said owner to a new owner **(pars. 31-35)**.

Regarding claim 16, Cragun teaches wherein said owner implements said proposed modification upon receiving said permission notification **(pars. 32-35)**.

Regarding claim 18, Cragun teaches wherein upon a determination that said permission to implement said proposed modification has been granted, said method further comprising implementing said proposed modification **(pars. 32-35)**.

Regarding claim 19, Cragun teaches receiving approval decisions on said proposed modification from said set of said stakeholders **(pars. 31-35)**.

Regarding claim 20, Cragun teaches making said proposed modification (**pars. 31-35**).

Conclusion

6. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


Art Unit: 2136

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


9,17,07